

The Office Action mailed January 29, 2008, has been received and carefully considered. Claims 1-5 have been amended for formal reasons to conform them to U.S. Patent practice. Claim 4 has been narrowed and claim 5 has been broadened. New claims 6-18 have been added. and find support in original claim 5. The Title and Abstract have been amended for formal reasons. The Specification has been replaced by a Substitute Specification which is attached hereto. An Annotated Version of the Specification showing the changes made is additionally attached. To the best of the undersigned attorney's information and belief, these changes contain no new matter.

Claims 1-18 are pending in the Application and are submitted to be in allowable condition. Claims 1, 2 4, and 12 are independent.

Claim Changes and Support

New claims 6-11 find support in original claim 5.

New claims 12-18 recite a method of determining content of epimeredinoside A in an extract of *Epimeredi indica* root using HPLC and find support in original claim 5.

I. The objection to the Abstract has been obviated by the amended Abstract submitted herein.

II. The rejection of claim 5 under 35 USC §112, second paragraph, is submitted overcome by the amendments made herein to claim 5.

III. The rejection of claim 1 under 35 U.S.C. §102(b) as anticipated by Calis et al. (Phytochemistry 23 (10):2313-2315, 1984) is respectfully traversed.

In Calis et al., the Examiner's attention is respectfully drawn to the benzene ring of the β -phenethyl group where the location of the hydroxy and methoxy of compound (2) is 3-hydroxyl-4-methoxyl. In the present invention, the location of the hydroxy and methoxy of Epimeredinoside A is 3-methoxyl-4-hydroxyl.

In view of this distinction, Applicants respectfully submit that compound (2) of

Calis et al. is different from the Epimeredinoside A of Applicant's claim 1 so that the disclosure of Calis et al. does not anticipate claim 1 and this ground of rejection should be withdrawn..

IV. The rejection of claims 1-5 under 35 U.S.C. §103(a) as unpatentably obvious over Dharmasiri et al. (Pharmaceutical Biology 40 (6): 433-439, 2002) in view of Arisawa et al. (Plants Medica 38-41, 1986) is respectfully traversed.

Neither Dharmasiri et al. nor Arisawa et al. teach or suggest Applicant's *Epimeredinoside A* compound of formula I set out in Applicant's independent claim 1. Neither Dharmasiri et al. nor Arisawa et al. teach or suggest that Applicant's compound could be used to treat female menopausal syndrome.

In view of these distinctions, Applicant respectfully submits that claims 1-3, may not be said to be obvious in view of the combined disclosures of Dharmasiri et al. and Arisawa et al. so that this ground of rejection should be withdrawn.

Further, neither Dharmasiri et al. nor Arisawa et al. teach or suggest that a preparation method using *Epimeredi indica* root as a raw material, as in Applicant's claim 4, can produce an extract which contains *Epimeredinoside A*, and that this extract would be effective to treat female menopausal syndrome.

In view of these distinctions, Applicant respectfully submits that claims 4 and 5 may not be said to be obvious in view of the combined disclosures of Dharmasiri et al. and Arisawa et al. so that this ground of rejection should be withdrawn.

Additionally, claim 5 is directed to the preparation method according claim 4, wherein the content of epimeredinoside A in the dried extract of *Epimeredi indica* root determined by HPLC. Applicant's claim 5 is submitted to be distinguishable in that *Epimeredinoside A* is used as a standard. Thus, since neither Dharmasiri et al. nor Arisawa et al. teach or suggest Applicant's *Epimeredinoside A* compound of formula I, neither Dharmasiri et al. nor Arisawa et al. may be said to teach or suggest Applicant's method of determining the content of *Epimeredinoside A* of Applicant's claim 5 which uses *Epimeredinoside A* as a standard.

In view of these distinctions, Applicant respectfully submits that claim 5 may not

be said to be obvious in view of the combined disclosures of Dharmasiri et al. and Arisawa et al. so that this ground of rejection should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1-18 and the Application are in condition for allowance. Reconsideration and passage of this case to issue are therefore requested.

Should the Examiner consider that a conference would help to expedite the prosecution of this Application, the Examiner is invited to contact the undersigned to arrange for such an interview.

An additional claim fee to cover one independent claim in excess of three in the amount of \$200 is submitted herewith in the attached credit card form PTO-2038. Should the remittance be accidentally missing or insufficient, the Commissioner is hereby authorized to charge the fee to our Deposit Account No. 18-0002 and is requested to advise us accordingly.

Respectfully submitted,

April 29, 2008
Date



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